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SENATE MEMORIAL 35

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Phil A. Griego

A MEMORIAL

RECOGNIZING THE ACEQUIAS AS CULTURAL PATRIMONY OF THE STATE OF  
NEW MEXICO AND DECLARING FEBRUARY 15, 2007 AS "ACEQUIA DAY" AT  
THE NEW MEXICO LEGISLATURE.

WHEREAS, the cultural landscape of New Mexico has been  
shaped by over one thousand acequias that have sustained  
families and communities for centuries by serving as the basis  
for local food production and water governance; and

WHEREAS, New Mexico's acequias are a synthesis of  
cultural, agricultural and legal traditions inherited from  
arid-land civilizations of Asia, Africa and the Iberian  
peninsula and the indigenous civilizations of the Americas; and

WHEREAS, acequias are rooted in ancient water and  
agricultural traditions with origins over ten thousand years  
old in present-day India, Pakistan and Afghanistan, and crop

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1 types such as maize with roots thousands of years old from  
2 Oaxaca, Mexico; and

3 WHEREAS, acequias took root in the Iberian peninsula  
4 through Moorish influence and were part of the institutional  
5 knowledge brought by Spanish settlers to present-day Mexico and  
6 New Mexico, where they incorporated agricultural knowledge and  
7 technologies in use by indigenous communities; and

8 WHEREAS, community land grants, or mercedes, and acequias  
9 came into existence through the collective effort of their  
10 respective communities between two and four hundred years ago  
11 and were established according to a legal and cultural  
12 tradition of communal property that pre-dates the United  
13 States; and

14 WHEREAS, acequias embody the fundamental principle that  
15 water is life and continue to operate under basic principles  
16 that have guided them for millennia, including the concepts of  
17 local self-governance, attachment of water to place and  
18 community, and sharing scarce water through local customs known  
19 as the repartimiento; and

20 WHEREAS, acequias intertwine with the social fabric of  
21 their respective villages and neighborhoods by fostering  
22 community cohesion through communal water management,  
23 democratic participation and traditions of cooperative labor;  
24 and

25 WHEREAS, acequias sustain a rich heritage and land-based

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1 culture that is intertwined with unique native food traditions,  
2 regional dialects and language customs, and an expression of  
3 querencia, or love of place, through art and spiritual  
4 traditions; and

5 WHEREAS, thousands of families in New Mexico generate all  
6 or part of their livelihood from farms and ranches that are fed  
7 by acequia waters and sustained by the community-based system  
8 of water distribution; and

9 WHEREAS, acequias have imprinted a cultural landscape that  
10 is one of the most culturally and ecologically diverse in the  
11 present-day southwest with a plethora of foods such as multiple  
12 varieties of maize, grains, squash, legumes and other  
13 vegetables and heritage fruits; and

14 WHEREAS, acequias enhance the natural process of aquifer  
15 recharge by slowing and spreading mountain runoff through an  
16 intricate network of waterways that support river flows and  
17 riparian habitats; and

18 WHEREAS, acequias are steeped in a legal and cultural  
19 tradition that views water as a community resource in which its  
20 use is intertwined with certain rights and responsibilities  
21 that are oriented toward the common good; and

22 WHEREAS, acequias in New Mexico have endured tremendous  
23 social and political changes, particularly after the signing of  
24 the Treaty of Guadalupe Hidalgo in 1848 and the Territorial  
25 Water Code of 1907; and

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1           WHEREAS, although the Treaty of Guadalupe Hidalgo  
2 guaranteed property rights, most of the historic common lands  
3 of New Mexico's mercedes were expropriated within fifty years  
4 of the United States conquest of the area; and

5           WHEREAS, the legal framework adopted by the Territorial  
6 Water Code of 1907 profoundly changed the nature of water  
7 rights in New Mexico by making individual water rights  
8 transferable, thereby allowing water to be viewed as a  
9 commodity that is in contrast to the traditional view of water  
10 as a community resource; and

11           WHEREAS, New Mexico is a place of chronic water scarcity  
12 and is facing unprecedented demands for water to support  
13 continued growth and development; and

14           WHEREAS, a prevalent assumption is that water rights to  
15 support growth will come as a result of water transfers out of  
16 agriculture to urban and commercial development; and

17           WHEREAS, acequias and agricultural communities are  
18 economically disadvantaged and are likely to experience a net  
19 loss of water rights from their communities as wealthier  
20 individuals, entities and regions acquire water rights from a  
21 position of greater economic power; and

22           WHEREAS, as a result of regional water planning efforts,  
23 projections based on current trends include estimates of a net  
24 loss of agriculture of between thirty percent and sixty percent  
25 in certain regions in the next forty years; and

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1           WHEREAS, acequias and agricultural communities will need  
2 their water rights base for the future needs of their  
3 respective communities, including agricultural revitalization,  
4 residential development and sustainable rural economic  
5 development; and

6           WHEREAS, acequia communities are increasingly faced with  
7 water quality problems resulting from various types of  
8 contamination, thereby impairing local capacity for local food  
9 production; and

10          WHEREAS, in response to these challenges, acequias have  
11 organized at the local, regional and state levels to address  
12 the threats to the viability of acequias and small-scale  
13 agriculture to ensure that the cultural heritage, generational  
14 memory and indigenous knowledge embodied in the acequias be  
15 passed on to future generations of New Mexicans; and

16          WHEREAS, many acequia leaders in New Mexico came together  
17 to form regional associations of acequias and to form the  
18 statewide congreso de las acequias, which is the governing body  
19 of the New Mexico acequia association and is comprised of  
20 regional delegations from over twenty different regions in the  
21 state; and

22          WHEREAS, the New Mexico acequia association has  
23 established programs to protect acequia water rights,  
24 strengthen acequia governance, educate youth about acequia  
25 agriculture and support acequia farmers and ranchers; and

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1           WHEREAS, in recent years, the legislature has expressed  
2 support for acequias by enacting various laws that strengthen  
3 acequia governance, including recognition of regulatory  
4 authority over water transfers, establishment of acequia water  
5 banking and strengthening of acequia enforcement powers  
6 regarding easements;

7           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
8 OF NEW MEXICO that February 15, 2007 be declared "Acequia Day"  
9 at the legislature, and that acequias be recognized as the  
10 cultural patrimony of the state of New Mexico because of their  
11 historic, social, economic, ecological and cultural  
12 significance; and

13           BE IT FURTHER RESOLVED that all relevant state agencies,  
14 educational institutions and commissions collaborate with the  
15 New Mexico acequia association in seeking a designation at the  
16 national and international levels for designation as cultural  
17 patrimony and cultural heritage areas; and

18           BE IT FURTHER RESOLVED that the office of the state  
19 engineer work with the New Mexico acequia association to  
20 provide greater support to acequias in the area of  
21 infrastructure development, water rights record-keeping,  
22 acequia inventory development, adjudication reform and  
23 regulation of water transfers; and

24           BE IT FURTHER RESOLVED that the interstate stream  
25 commission collaborate with the New Mexico acequia association

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1 to give greater consideration to acequias in upcoming revisions  
2 to the state water plan; and

3 BE IT FURTHER RESOLVED that the department of environment  
4 collaborate with the New Mexico acequia association to protect  
5 the water quality of rivers and streams that feed acequia  
6 watercourses and to enforce water quality regulations as  
7 appropriate; and

8 BE IT FURTHER RESOLVED that the energy, minerals and  
9 natural resources department include acequia representation in  
10 policy development with regard to watershed management and  
11 restoration; and

12 BE IT FURTHER RESOLVED that the public education  
13 department support efforts of the New Mexico acequia  
14 association to develop curricula that recognize the historical,  
15 ecological and cultural significance of acequias; and

16 BE IT FURTHER RESOLVED that the cultural affairs  
17 department collaborate with the New Mexico acequia association  
18 to create educational exhibits for the general public; and

19 BE IT FURTHER RESOLVED that copies of this memorial be  
20 transmitted to the governor, the office of the state engineer,  
21 the interstate stream commission, the department of  
22 environment, the energy, minerals and natural resources  
23 department, the public education department and the cultural  
24 affairs department.

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